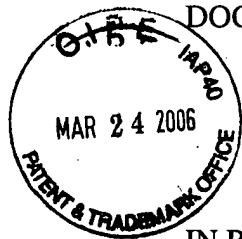DOCKET NO: HENN0010UPCT-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: PUTTKAMMER et al.

APPLICATION NUMBER: 08/894,766   CONFIRMATION NO: 9324

GROUP: 3652   EXAMINER: Bartuska

FILED: 8/30/1997

FOR: Method and Apparatus for Checking Security Documents

ASSISTANT COMMISSIONER FOR PATENTS

ALEXANDRIA, VA 22213-1450

RESPONSE TO REQUIREMENT IN DECISION GRANTING PETITION TO REVIVE UNDER 37 CFR 1.37 DUE TO UNINTENTIONAL ABANDONMENT

Sir:

        Further to the response to the office action and petition to revive filed on March 10, 2006, and still further to the verbal communication with Petitions Examiner David Bucci, please consider the following response and statement.

1

In many of the decisions granting petitions to revive in cases assigned to the same assignee as this application, the decision granting the petition indicated that the petition showed that the person signing the petition (Richard Neifeld) did not have "firsthand knowledge of the facts and circumstances of the delay at issue," and arguably required additional investigation to comply with that requirements. I considered the statement vague as to meaning and intent. Accordingly, on the morning of 3/21/2006 (when I first noticed that assertion in a decision on any petition to revive of any WHD applications), I left a voice-mail with petitions examiner David Bucci at telephone number 571-272-7099 asking that he explain to me the meaning in his decision granting the petitions of "firsthand knowledge of the facts and circumstances of the delay at issue" not provided in the petition, so that I can ensure that WHD satisfies that obligation. David Bucci was the person who signed the decision in the decision on petition that I reviewed 3/21/2006.
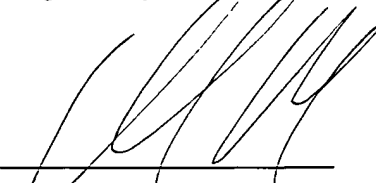
Petitions examiner David Bucci called me back around 1:30 PM on 3/21/2006 in response to my vm to him that morning. He said that he "saw what was going on with all of these cases." He indicated that I should send a letter to the Office of Enrollment and Discipline after which I explained that I already had done that, as required by the ethical rules of practice. Examiner Bucci responded to my direct question indicating that the statement he included in the decision on the petition regarding personal knowledge was a standard form statement included in all such decisions (which I understand to mean at least all such decisions he renders, and possibly all such decisions any petitions examiner renders) wherein the attorney filing the petition is not the attorney that was of record at time the acts occurred that lead to abandonment. He also said, and I quote "you did a great job."

I point out here, as I did in the petitions, that the prior attorney of record has been non-responsive to all of my requests for files and facts. Given his non-responsiveness, I see no basis for requiring me to further investigate the matter. That is, I do not believe the requirement to investigate in a case like this (wherein the attorney of record was a solo practitioner that objectively was grossly negligent in improperly abandoning a large number of applications

2

contrary to any instruction from his client) requires me to subpoena the prior attorney of record, or attempt to seize the client's files, if any, in the prior attorney's possession. If, however, the petitions examiner disagrees, the petitions examiner should so state on the record, and I will attempt to comply.

Respectfully Submitted,

Date

Richard A. Neifeld, Ph.D.
Registration No. 35,299
Attorney of Record

LK

March 21, 2006 (2:52pm)

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